

AMENDED IN ASSEMBLY APRIL 28, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1058

Introduced by Assembly Member Koretz

February 22, 2005

An act to add Article 8.5 (commencing with Section 114181) to Chapter 4 of Part 7 of Division 104 of the Health and Safety Code, relating to food labeling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1058, as amended, Koretz. Retail food: beef labeling and information.

The existing California Uniform Retail Food Facilities Law (CURFFL) regulates retail food facilities and is primarily enforced by local health agencies. CURFFL prohibits a food facility from opening for business without a valid permit issued by the local enforcement agency. CURFFL requires any fee for the permit and related services to be determined by the local governing body in an amount sufficient to cover the actual expenses of administering and enforcing CURFFL. A violation of any provision of CURFFL is a misdemeanor.

To

Beginning September 1, 2006, to the extent allowed by the Federal Meat Inspection Act and applicable federal meat inspection regulations, this bill would require any person, firm, or corporation operating a retail facility, food store, or other food establishment or food facility that sells unprocessed imported or blended beef to indicate in clear and conspicuous letters on the meat, the immediate wrapping or container, or a sign included with the display if the beef is displayed for sale or sold unwrapped, the beef's ~~county~~ country or countries of origin.

By changing the definition of existing crimes and increasing the enforcement responsibilities of local health agencies, this bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for specified reasons.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 8.5 (commencing with Section 114181)
2 is added to Chapter 4 of Part 7 of Division 104 of the Health and
3 Safety Code, to read:

4

5 Article 8.5. Beef Labeling and Information

6

7 114181. (a) To the extent allowed by the Federal Meat
8 Inspection Act (21 U.S.C. Sec. 601 et seq.) and applicable federal
9 meat inspection regulations, any person, firm, or corporation
10 operating a retail facility, food store, or other food establishment
11 or food facility that sells unprocessed imported or blended beef,
12 whether fresh or frozen, including ground beef, shall indicate in
13 clear and conspicuous letters on the meat, the immediate
14 wrapping or container, or a sign included with the display if the
15 beef is displayed for sale or sold unwrapped, one of the following
16 designations:

1 (1) “Product of (insert name of foreign country or countries)”
2 if the beef product consists exclusively of imported beef.

3 (2) “Blend of (insert name of foreign country or countries) and
4 American beef” if the product consists of blended beef.

5 (b) The notice shall be in a font size and boldness at least as
6 large and as prominent as other items describing the product,
7 and, in any case, shall be no smaller than 12-point bold face
8 type.

9 (c) This section shall not apply to prepared meat that is sold at
10 retail for consumption on the premises, to prepared meat sold by
11 a restaurant, to prepared meat in ready-to-eat food as defined by
12 Section 113857, or to meat ingredients in processed foods and
13 fully cooked meat as defined in the United States Department of
14 Agriculture Food Safety and Inspection Service regulations and
15 directives.

16 (d) Nothing in this section shall be construed to prohibit the
17 use of additional words to describe the grade, quality, or kind or
18 beef described.

19 (e) This section shall not establish any additional labeling
20 requirement for any imported processed food product for which a
21 country of origin label is required pursuant to Section 1304 of the
22 federal Tariff Act of 1930 (19 U.S.C. Sec. 1304).

23 (f) As used in this section, the following words have the
24 following meanings:

25 (1) “American beef” means beef exclusively from an animal
26 that was exclusively born, raised, and slaughtered in the United
27 States. This includes beef from an animal exclusively born and
28 raised in Alaska or Hawaii and transported for a period not to
29 exceed 60 days through Canada to the United States and
30 slaughtered in the United States.

31 (2) “Blended beef” means beef that is a blend of imported beef
32 and American beef.

33 (3) “Imported beef” means beef derived in whole or in part
34 from any livestock that was born or raised or lived at any time in
35 any foreign country, except as provided in paragraph (1).

36 ~~(g) This section shall be implemented to the extent that funds~~
37 ~~are made available.~~

38 *(g) This article shall become operative on September 1, 2006.*

39 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
40 ~~Section 6 of Article XIII B of the California Constitution for~~

~~certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~

~~However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.